

Remarks

Status of Claims:

Claims 10-16 and 22-26 stand rejected. Claims 10, 14, 16, and 22 are amended.

Claims 10-16 and 22-26 remain pending.

112 Rejections:

Claims 10, 16, and 22 are amended to delete “sized and shaped” and to clarify operation of the end effector through the flexible member with a portion of the flexible member in a looped configuration behind the back of the same hand. The figures clearly show a portion of the flexible member in a looped configuration behind the back of the hand. Withdrawal of the 112 rejections is requested.

The claims are also amended to recite among other things, how the flexible member extends from an end of the handle, as depicted in the pictures and specification.

Claim 14 is amended in view of the amendment to Claim 10.

No new matter is added.

§102 Rejections

Claims 10-16 and 22-24 are rejected as anticipated by US 6,443,944,643,653 (Doshi). It is respectfully urged that this rejection is improper for at least the following reasons.

Claim 10 is amended to recite, among other things, that the flexible member extends from an end of the elongate handle along an axis generally parallel to a longitudinal axis of the elongate handle.

In contrast, to the extent Doshi can be said to have an elongate handle, Doshi shows member 15 extending transversely with respect to the long axis of handle 5. (See figures 6 and 7 of Doshi).

Amended Claim 16 recites the flexible shaft extends from housing along an axis generally aligned with length of the housing, and amended Claim 22 recites the flexible member extending from an end of the handle along an axis generally parallel to a longitudinal axis of the elongate handle.

Accordingly, Doshi does not teach or suggest the subject matter of Claims 10, 16 and 22.

As shown and described in the specification and drawings, relationship of the flexible member with respect to the long dimension of the handle recited in Claims 10, 16, and 22 is advantageous in that the end effector can be actuated while leaving the thumb and index finger free to grasp and advance the flexible member.

It is also respectfully urged that the Examiner has mischaracterized what Doshi teaches. The Examiner states at page 4 of the most recent office action that:

Furthermore, it is clear from Figures 6-7, that a user would be fully capable of holding the handle with one hand, with the middle finger of that hand free to operate lever 7a-b and the index and thumb of the same hand free to manipulate the flexible member.

It is respectfully urged that this characterization is not taught or suggested by Doshi, and is in fact contrary to Doshi's teaching. Referring to Figures 6-7 of Doshi, the handle 5 clearly shows at least three finger grooves on the lower part of the handle 5. Accordingly, it is respectfully urged that Doshi's description contemplates at least three fingers grasping the lower part of the handle 5, so that either the thumb and/or index finger would be needed to operate levers on Doshi.

If the Examiner believes otherwise, the Examiner is respectfully requested to provide a basis for the Examiner's believe based on the art of record, and not merely "assume" that Doshi can be operated in the manner suggested by the Examiner

103 Rejections:

It is respectfully urged that the obviousness rejections are improper for at least the reasons that:

1. The rejections rely on the Examiner's improper application of Doshi; and
2. Doshi's description/figures with respect to the handle 5 are contrary to the operation the Examiner claims Doshi supports, and so there is no motivation to combine the references as the Examiner suggests.

Withdrawal of the rejections is requested.

Any of the amendments made in this response do not indicate agreement with the Examiner's rejections, and all the previous arguments made in this application are preserved. All amendments are made without t prejudice to Applicant filing a continuation application with claims as originally or previously presented.

Conclusion

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance.

Respectfully submitted,

/Gerry Gressel/
Gerry Gressel, Reg No. 34,342

Attorney for Applicant(s)
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-3535

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